## C. REMARKS

This Amendment is filed concurrently with an RCE and is in response to the Office Action dated January 20, 2004, in which claims 1-18 and 44-50 were rejected. With this Amendment, claims 1, 13 and 44 are amended. With this Amendment, claims 1-18 and 44-50 are presented by the Applicant for reconsideration and allowance.

### I. REJECTION OF CLAIMS 1-18 AND 44-50 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER HAMADA ET AL. IN VIEW OF VINCENT ET AL.

Section 1 of the Office Action rejected claims 1-18 and 44-50 under 35 U.S.C. § 103(a) as being unpatentable over Hamada et al. (U.S. Pat. No. 6,086,485) in view of Vincent et al. (U.S. Pat. No. 6,592,468). Claims 1, 13 and 44 are independent claims, and claims 2-12, 14-18 and 45-50 depend from claims 1, 13 and 44, respectively.

Independent claims 1, 13 and 44 describe the following structure. Independent claim 1, as amended, recites a golf club head including a front wall, a sole portion and a resilient insert assembly. The front wall includes a rearwardly sloped front strike side and a rear side. The rear side has an upper region and a lower region which are generally coplanar with respect to each other. The sole portion rearwardly extends from the lower region of the rear side. The sole portion includes an upwardly extending rear wall having a forwardly facing inner surface. The rear side and the sole portion define a forwardly extending cavity. The lower region of the rear side of the front wall and the sole portion, including the rear wall, define a non-through sole portion recess. The recess downwardly extends into the sole portion and is interconnected with the cavity. The recess is open in an upward direction and has variable rearward depth. The forwardly facing inner surface of the rear wall is substantially non-parallel, and rearwardly sloped with respect, to the lower region of the rear side of the front wall, such that the rearward depth of recess is greatest at its upper open end. The insert

assembly is positioned in and substantially fills the recess. The insert assembly is coupled to at least the sole portion or the lower region of the rear side. The upper region of the rear side is generally uncovered. The insert assembly is fabricated of at least one material. The material has a durometer of between 20 on a Shore A hardness scale and 75 on a Shore D hardness scale.

Independent claim 13, as amended, recites a golf club head including a front wall, a sole portion, a first insert and a second insert. The front wall includes a rearwardly sloped front strike side and a rear side. The rear side has an upper region and a lower region which are generally coplanar with respect to each other. The sole portion rearwardly extends from the lower region of the rear side. The sole portion includes an upwardly extending rear wall having a forwardly facing inner surface. The rear side and the sole portion define a forwardly extending cavity. The lower region of the rear side of the front wall and the sole portion, including the rear wall, define a non-through sole portion recess. The recess downwardly extends into the sole portion and is interconnected with the cavity. The recess is open in an upward direction and has variable rearward depth. The forwardly facing inner surface of the rear wall is substantially non-parallel, and rearwardly sloped with respect, to the lower region of the rear side of the front wall, such that the rearward depth of recess is greatest at its upper open end. The first and second inserts are positioned only in, and collectively substantially fill, the recess. At least one of the first and second inserts is attached to at least one of the sole portion and the lower region of the rear side. The first and second inserts are made of first and second elastomeric materials, respectively.

Independent claim 44, as amended, recites a golf club head including a front wall, a sole portion and a resilient insert assembly. The front wall includes a rearwardly sloped front strike side and a rear side, wherein the rear side has an upper region and a lower region which are generally coplanar with respect to each other. The lower region of the rear side is substantially parallel to the front strike side. The sole portion rearwardly extends from the lower region of the rear side. The sole portion includes an upwardly extending rear wall

having a forwardly facing inner surface. The rear side defines a forwardly extending cavity. The lower region of the rear side of the front wall, the forwardly facing inner surface of the rear wall of the sole portion and the sole portion define a non-through sole portion recess. The recess is interconnected with the cavity and is open only in an upward direction. The forwardly facing inner surface of the rear wall is substantially non-parallel, and rearwardly sloped with respect, to the lower region of the rear side of the front wall. The resilient insert assembly is positioned in and substantially fills the recess. The insert assembly is coupled to at least one of the sole portion and the lower region of the rear side. The upper region of the rear side is generally uncovered.

It is respectfully submitted that claims 1, 13 and 44, as amended, are patentable over Hamada et al. alone, or in combination with Vincent et al. Neither Hamada et al. nor Vincent et al. teach, suggest or disclose the combination of elements and limitations of either independent claims 1, 13 or 44. In particular, neither Hamada et al. nor Vincent et al. teach, suggest or disclose a golf club head with the following features. A golf club head including a front wall, having a rear side with upper and lower regions, a sole portion and a resilient insert assembly, wherein the sole portion includes an upwardly extending rear wall having a forwardly facing inner surface, and the lower region of the rear side of the front wall and the sole portion, including the rear wall, define a non-through sole portion recess. Further, the downwardly extending recess is open in an upward direction and has variable rearward depth. The forwardly facing inner surface of the rear wall is substantially non-parallel, and rearwardly sloped with respect, to the lower region of the rear side of the front wall, such that the rearward depth of recess is greatest at its upper open end. Also, with respect to claim 44, neither Hamada et al. nor Vincent et al. teach, suggest or disclose the lower region of the rear side of the front wall being parallel to the strike side of the front wall, and the forwardly facing inner surface of the rear wall being substantially non-parallel, and rearwardly sloped with respect to the lower region of the rear side of the front wall.

Still further, neither Hamada et al. nor Vincent et al. teach, suggest or disclose an insert assembly positioned in and substantially filling the insert wherein the insert is formed of at least one material having a durometer of between 20 on a Shore A hardness scale and 75 on a Shore D hardness scale.

In contrast to limitations of claims 1, 13 and 44, as amended, Hamada et al. discloses various embodiments of iron golf club heads. In one of the embodiments, shown in Figure 4, the club head includes a face forming portion having a strike face, and a sole forming portion. The sole forming portion is provided with a hole that extends into the sole portion with an open upper end and a closed sole-side end. The hole is elongated with one side of the clubhead that defines the hole being positioned parallel with the face and an opposite side of the club head that also defines the hole also being positioned parallel to the face. These two substantially parallel walls that define the hole also provide the hole with a rearward depth that is generally uniform, and therefore not greatest at the open end of the hole. Hamada et al. emphasizes placing the hole as close to the face as possible and away from the center of gravity of the club head. In order to maintain the hole away from the center of gravity of the head, Hamada et al. discloses the hole as being narrow with a small, generally uniform rearward depth formed by the two generally parallel walls of the club head. In another embodiment, Hamada et al. discloses a club head with a filling portion that is preferably filled with a metal, but can also be filled with a plastic having a specific gravity lower than titanium. Hamada et al. does not disclose a resilient insert assembly.

Also in contrast to the limitations of claims 1, 13 and 44 of the present invention, Vincent et al. discloses a golf club head including a body having a front striking face and a perimeter having a heel, a toe, a sole and a hosel. The body also has a rear cavity wall that forms the upper back side of the striking face, which is substantially parallel to the striking face. The sole has a lower surface and a slot upwardly extending into the sole from the lower surface. In one embodiment, the slot within the sole includes a plurality of

cylindrical apertures for receiving an insert assembly comprised of a plurality of cylindrical cells.

In a second embodiment, the slot extends from the lower surface of the sole upward, and entirely through the thickness of the sole. The through-sole slot of the second embodiment is defined in the sole by substantially forward, rearward and side slot walls. The forward slot wall defines a first plane. The through sole slot and the forward slot wall are positioned such that the first plane, defined by a forward slot wall of the through-sole slot, is rearward of, and not coplanar with, a second plane defined by the rear cavity wall. The first and second planes defined by the forward slot wall and the rear cavity wall of the second embodiment of Vincent et al. are spaced apart from each other. As such, the thickness of the body between the forward slot wall and a lower portion of the front strike face is significantly greater than the thickness of the body at a location between the rear cavity wall and an upper portion of the front strike face.

The second embodiment also includes a cartridge formed of a substrate having interstices, which may be filled with a polymer. The cartridge is used in place of the insert assembly formed of cylindrical cells. The substrate is formed of bronze, other metals or other materials of comparable durability and ductility. The cartridge is upwardly inserted into the club head through the slot formed in the lower surface of the sole. The cartridge also includes a cartridge sole that fills the opening in the lower surface of the sole formed by the slot.

Neither Hamada et al. nor Vincent et al. teach, suggest or disclose a golf club head including a front wall with a rear side lower region, a sole portion and a resilient insert assembly, wherein the sole portion includes an upwardly extending rear wall having a forwardly facing inner surface, and the lower region of the rear side of the front wall and the sole portion, including the rear wall, define a non-through sole portion recess, wherein the downwardly extending recess has a variable rearward depth, and wherein the forwardly facing inner surface of the rear wall is substantially non-parallel, and rearwardly sloped with respect,

to the lower region of the rear side of the front wall, such that the rearward depth of recess is greatest at its upper open end.

Accordingly, Applicants respectfully submit that independent claims 1 13 and 44 are patentable over Hamada et al. alone, or in combination with, Vincent et al., for at least the reasons stated above. Additionally, Applicants respectfully submit that claims 2-12, 14-18 and 45-50, which depend from independent claims 1, 13 and 44, respectively, are also patentable over Hamada et al. and Vincent et al. for at least the same reasons.

## II. CONCLUSION

Applicants respectfully request reconsideration of claims 1-18 and 44-50 for the reasons stated above. Applicant believes that the present application is now in condition for allowance. Favorable reconsideration under 37 C.F.R. § 1.112 is respectfully requested. The Examiner is invited to telephone the undersigned at (773) 714-6498 to discuss any issues in this case in order to advance the prosecution thereof.

Respectfully submitted,

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